

**41-8-3. Operation of vehicle by persons under 16 and six months --  
Passenger limitations -- Exceptions -- Penalties.**

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state with any passenger who is not an immediate family member of the driver until the earlier of:

- (a) six months from the date the person's driver license was issued; or
- (b) the person reaches 18 years of age.

(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:

- (a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;
- (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or
- (c) in an emergency.

(3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is a class C misdemeanor.

(4) (a) Enforcement of this section by state or local law enforcement officers shall be only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of Title 41, other than this section, or for another offense.

(b) A peace officer may not seize or impound a vehicle if:

- (i) the operator of the vehicle is cited for a violation of this section; and
- (ii) the seizure or impoundment is not otherwise authorized under Section

41-1a-1101, 41-6a-1405, 41-6a-1608, or 73-18-20.1 or required under Section 41-6a-527.

Amended by Chapter 234, 2006 General Session